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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/822,936   | 04/13/2004  | Douglas E. Thompson  | TDE 8950            | 4419             |
| 2147   | 7590        | 09/22/2004           | EXAMINER            |                  |
| GRACE J FISHEL<br>11970 BORMAN DRIVE<br>SUITE 220<br>ST. LOUIS, MO 63146 |             |                      | ELDRED, JOHN W      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3644                |                  |

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/822,936

Applicant(s)

THOMPSON

Examiner

J. Woodrow Eldred

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04132004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callegari in view of Joder.

Callegari discloses a firearm support comprising a frame with a horizontal support, a vertical support, adjustable connection means on one end of the horizontal support to connect to a vehicle hitch, an adjustable firearm rest attached to the vertical support, and an adjustable seat attached to the horizontal support. See especially Figure 2. Callegari fails to disclose a hinge in the horizontal support. Joder teaches that it is known to employ a hinge in the horizontal support of a vehicle hitch mounted support frame, so that sections of the frame may pivot to a plurality of fixed positions. See especially Figure 2. Motivation to combine is the advantage of being able to change the geometry of the frame relative to the vehicle, for easier transportation, to take up less space, or the orient the frame to a desired direction. To employ the teachings of Joder on the firearm support of Callegari and have a hinge is considered to have been obvious to one having ordinary skill in the art.

3. Claims 2-5 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callegari in view of Joder, as applied to claims 1, 6, and 7 above, and further in view of Narvaez.

Callegari fails to disclose the seat as being mounted on a tube, in particular at the hinge point, and being pivotably and vertically adjustable, or that the firearm rest has an angular adjustment means. Narvaez teaches that it is known to have a firearm support connected to a vehicle in which the seat is pivotably and vertically adjustable relative to its horizontal support, and that the firearm rest has an angular adjustment means. See

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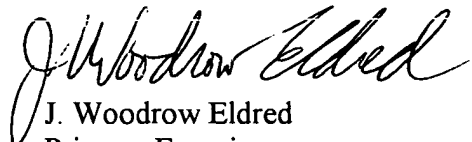
especially Figure 2. Motivation to combine is the increased performance available with increased flexibility from the geometry of the firearm support system. To employ the teachings of Navaez and Joder on the support system of Callegari and have the claimed adjustable seat and firearm rest elements is considered to have been obvious to one having ordinary skill in the art.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hill et al, Buck, and Mueller (5,060,410) are cited as being of interest since they disclose firearm support systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 703-306-4151. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
J. Woodrow Eldred  
Primary Examiner  
Art Unit 3644

JWE